

mec/2008R00664

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Katharine S. Hayden
	:	
v.	:	Criminal No. 08-429
	:	
MAXWELL OWOEYE	:	Continuance and
RASHEED MUSTAPHA	:	<u>Revised Scheduling Order</u>
ADEYEMO POPOOLA and	:	
FARUK ONCEL	:	

This matter having come before the Court on the joint application of Christopher J. Christie, United States Attorney for the District of New Jersey (by Mark E. Coyne and Grace H. Park, Assistant U.S. Attorneys), and defendant Maxwell Owoeeye (by Florian Miedel, Esq.) for an order granting a continuance of this action, defendant Owoeeye being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to 18 U.S.C. § 3161(c)(1), and as defendant Owoeeye has consented to such a continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. Defendants Rasheed Mustapha, Adeyemo Popoola and Faruk Oncel (the "New Defendants") are also charged in the Superseding Indictment that was returned on October 31, 2008. The whereabouts of the New Defendants are unknown and at present cannot be determined by due diligence. Moreover, their time for trial under the Speedy Trial Act of 1974 has not run. Accordingly, pursuant to 18 U.S.C. § 3161(h)(3) and (h)(7), the

periods of delay necessitated by the absence of the New Defendants and their rights under the Speedy Trial Act of 1974 once they appear shall be excluded in computing the time within which the trial of defendant Owoeye must commence.

2. The Superseding Indictment charges defendant Owoeye with 31 additional offenses and broadens the scope of the conspiracy alleged in the original Indictment. Defense counsel will require a reasonable period of time to review the additional discovery associated with these new and expanded charges.

3. AUSAs Coyne and Park have consulted with Mr. Miedel, and, based upon their schedules, which include other pressing criminal matters, the earliest feasible date for trial would be in late February 2009;

4. defendant Owoeye, advised by Mr. Miedel, has consented to this continuance; and

5. pursuant to 18 U.S.C. § 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interests of the public and defendant Owoeye in a speedy trial because not granting such a continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

WHEREFORE, on this 1<sup>st</sup> day of ~~November~~ <sup>December</sup>, 2008,


IT IS ORDERED that the period from October 31, 2008 through March 17, 2009 shall be excluded in computing time under the

Speedy Trial Act of 1974, pursuant to 18 U.S.C. § 3161(h)(3),  
(h)(7) and (h)(8); and

IT IS FURTHER ORDERED that the scheduling order entered on  
July 1, 2008 ("Order") be modified as follows:

- All pretrial motions described in Order ¶ 12 will  
be deemed waived unless they are filed and served not later than  
February 2, 2009, with opposition due February 23, 2009, and the  
motions hearing and a pretrial conference set for March 2, 2009  
at 2:00 a.m. ~~(p.m.)~~

- Trial is set for March 17, 2009, at 9:00 a.m.

  
HON. KATHARINE S. HAYDEN  
United States District Judge